

REMARKS

According to the Examiner, the application contains claims directed to the patentably distinct species of FIGURES 1A, 1B and 1C; 2A, 2B and 2C; 3A, 3B, and 3C; and 4A, 4B and 4C. Furthermore, according to the Examiner none of the current claims are generic. Accordingly the Examiner has required Applicants to elect a single disclosed species for prosecution on the merits.

In response, Applicants hereby provisionally elect the species of FIGURES 1A and 1C (as defined by the Examiner therein) comprising claims 1-14, 16-21, 23-25, 27-30, 32-43, 55-72 and 76-79 for further prosecution. This election is being made WITH TRAVERSE.

Applicants have added new claims 73-79 and amended claims 5-6, 23-24, 29 and 34. Applicants respectfully submit that independent claim 73 as recited is generic.

According to M.P.E.P. §806.04(d), a generic claim should read on each of the views or species. Applicants respectfully submit that claim 73 reads on each of the FIGURES 1A and 1C; 2A and 2C; 3A and 3C; and 4A and 4C. For example, FIGURE 1A shows a QX filter which accepts first and second input signals including stereo information. The QX filter processes the first and second input signals to provide an expanded stereo sound image as shown in FIGURE 1C. FIGURE 1A also shows an OMNI₂3D filter which accepts an input signal including surround information. The OMNI₂3D filter processes the input signal including the surround information to provide an expanded surround image as shown in FIGURE 1C. This is also true for FIGURES 2A, 2C; 3A, 3C; and 4A, 4C. Thus, claim 73 reads on each of the FIGURES 1A and 1C; 2A and 2C; 3A and 3C; and 4A and 4C.

Furthermore, according to the M.P.E.P. §806.04(d) "a generic claim should include no material element additional to those recited in the species claims". Applicants submit that independent claim 73 as recited does not include any material element additional to the embodiments defined in claims 1-72 and 74-79. The claims as amended recite a QX filter to provide an expanded stereo sound image and also an OMNI₂3D filter to provide an expanded surround sound image. For example, claim 5 has been amended to recite "wherein said QX filter provides an expanded stereo sound image" and claim 6 has been amended to recite "wherein said OMNI₂3D filter provides an expanded surround sound image". Other claims have been similarly

amended or new claims added to recite similar limitations. Thus, claim 73 does not include any material element additional to the embodiments defined in claims 1-72 and 74-79.

Moreover, according to the M.P.E.P. §806.04(d), “a generic claim must comprehend within its confines the organization covered in each of the species”. Applicants submit that claim 73 comprehends within its confines the species as shown in FIGURES 1A and 1C; 2A and 2C; 3A and 3C; and 4A and 4C. For example, FIGURE 2A shows a QX filter which accepts first and second input signals including stereo information. The QX filter processes the first and second input signals to provide an expanded stereo sound image as shown in FIGURE 2C. FIGURE 2A also shows an OMNI₂3D filter which accepts an input signal including surround information. The OMNI₂3D filter processes the input signal including the surround information to provide an expanded surround image as shown in FIGURE 2C. This is also true for FIGURES 1A, 1C; 3A, 3C; and 4A, 4C. Thus, claim 73 comprehends within its confines the species as shown in each of the FIGURES 1A and 1C; 2A and 2C; 3A and 3C; and 4A and 4C.

Furthermore, according to M.P.E.P. §806.04(e), “a claim may include two or more of the disclosed embodiments within the breadth and scope of definition” and thus be designated a generic or genus claim. As discussed above, claim 73 includes four of the disclosed embodiments of the FIGURES within its breadth and scope. Therefore, Applicants respectfully submit that as independent claim 73 includes four of the disclosed embodiments of the FIGURES within its breadth and scope, it may be designated a generic or genus claim.

Applicants respectfully submit that, as discussed above, independent claim 73 is a generic claim as defined by M.P.E.P. §806.04(d) and §806.04(e). Applicants propose submitting amended claims directed to the specific disclosed species upon allowance of a generic claim.

III. Summary

Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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